

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING APPLICATION UNDER 37 CFR 1.53(b)

EXPRESS MAIL LABEL No.: **EL 089 007 603 US**Date of Deposit: **April 12, 2001**

This is a request for filing a ☒ **Continuation** ☐ **Division application**
under 37CFR 1.53(b) (Rule 53(b)) of prior pending application:

Inventor(s) : **Bosley, R. et al.**
Serial No. : **09/316,896**
Filed : **05/22/99**
Art Unit : **3672**
Examiner : **Dougherty, J.**
For : **Smart Turbogenerator Power Control System**

Box Patent Application
Hon. Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

1. **COPY OF PRIOR APPLICATION**

Attached is a true copy of the prior application as originally filed, including:

- ☒ Abstract
☒ Specification and claims as originally filed (42 pgs.)
☒ Signed declaration or oath as originally filed
☒ Sheets of Drawings: 8 ☒ Informal ☐ Formal
☒ Verified Statement Claiming Small Entity Status

2. **STATEMENT OF INVENTORSHIP**

This Rule 53(b) application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are:

- ☒ the same
☐ less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this Rule 60 application:

1. _____ 2. _____
3. _____ 4. _____

3. **RELATE BACK - 35 U.S.C. 120**

- ☒ Amend the specification by inserting before the first line the sentence:

-- This is a ☒ **Continuation** ☐ **Division of co-pending application**

☒ Serial No. 09/316,896 filed 05/29/99.

☐ International Application No. _____ filed on _____ and which designated the U.S. --

☒ The Examiner is requested to review the references cited in the above-noted prior application and to make those references of record in the instant application.

4. **PRIORITY CLAIM**

- ☐ Priority is hereby claimed under 35 U.S.C. 119/365 based on prior foreign application(s) No(s).:
_____ filed in (country) _____ on _____; and
in (country) _____ on _____, respectively.
- ☐ Certified copy/copies is/are attached.
- ☐ Certified copy/copies already filed on
in prior U.S. application, Serial No. _____, filed on _____.

5. **ASSIGNMENT**

- ☒ The prior application is assigned of record to: Capstone Turbine Corporation
- ☐ Attached is an assignment to: _____.

6. **SMALL ENTITY STATUS**

- ☒ Verified Statement(s) establishing "small entity" status under Rules 9 and 27:
- ☒ has been filed in parent application and such status is still proper and desired (37CFR 1.28(a)).
- ☐ is filed herewith.

7. **MAINTENANCE OF CODEPENDENCY OF PRIOR APPLICATION**

- ☐ Petition, fee and response to extend the life of the copending prior application to _____
- ☐ is being concurrently filed in that prior application (see item 11).
- ☐ was previously filed in that prior application.
- ☐ is not necessary.

8. **POWER OF ATTORNEY**

- ☒ The power of attorney in the prior application is to ALBERT J. MILLER.
- ☒ Copy of Power of Attorney and Revocation of Previous Powers giving power to all of IRELL & MANELLA, LLP, along with a copy of the Notice of Recordation of Assignment Document.
- ☐ The power appears in the original papers of the prior application.
- ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- ☐ Recognize as associate attorneys:
- ☒ Address all future communications to Rachele Wittwer, IRELL & MANELLA LLP, 1800 Avenue of the Stars, Suite 900, Los Angeles, CA 90067 (Telephone: 310-277-1010; Facsimile: 310-203-7199).

9. **AMENDMENT**

- ☐ For the purpose of reducing the filing fee per MPEP 506 and 607, please enter the following claim cancellations before calculating the filing fee (do not cancel all claims) FIRST PRELIMINARY AMENDMENT:
- ☒ Preliminary amendent attached. (Please enter after assigned Serial No.)

10. **FEE CALCULATION**

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS
REMAINING AFTER ENTRY OF PRELIMINARY AMENDMENT
PER MPEP § 506 AND § 607**

Basic Filing Fee \$710.00

Total Effective Claims 1 - 20 = 0 x \$18.00 0Independent Claims 1 - 3 = 0 x \$80.00 0

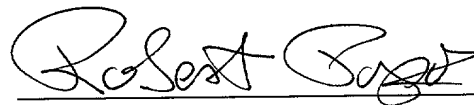
If any proper multiple dependent claim (ignore improper)
is present, add \$270.00

If Small Entity claim is present, enter one-half (1/2) of subtotal and
subtract. - 355.00

Total Filing Fee Enclosed \$355.00

No additional fees are believed to be due. If an extension of time is required for this paper or later filed papers, please consider this a petition for the required extension of time. Please charge any required petition fees, and any other fees, except for payment of the issue fee, and charge any underpayment or credit any overpayment during the prosecution of this application to our **Deposit account No. 09-0946** for which purpose a **duplicate of this paper is enclosed**.

Respectfully Submitted,



Robert Popa
Registration No. 43,010

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